

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MARICOPA COUNTY, ARIZONA

THIS AGREEMENT is entered into 6 July, 1999, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The State and the County desire to jointly participate in selecting a consultant to conduct an Access Control Study of State Route 74 from US 60/93 to I-17. The study objectives are: (1) to assess existing travel and facility characteristics of the corridor, (2) to analyze future travel conditions in the corridor and identify and ultimate facility configuration to meet future travel demand, and (3) to describe methods for implementing access control on State Route 74 and procedures for maintaining access management, hereinafter referred to as the Project, at an estimated cost of \$200,000.00.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 23361
Filed with the Secretary of State
Date Filed: 07/06/99

Betty Bayless
Secretary of State

By Dick V. Graenewald

II. SCOPE OF WORK

1. The State will:

a. By purchase order to an existing State engineering consultant contract, with concurrence from the County, the State will select and hire a professional transportation planning consultant to accomplish the study generally in accordance with the objectives stated in I.3 above. Be the lead agency for the Project. Strictly comply with all state and federal procurement laws, rules and procedures.

b. Provide the County timely copies of Project progress reports and submittals, and insure the incorporation of County review comments as appropriate. Provide the County a copy of the final report, and obtain the County's approval prior to making final payment to the consultant. Accept the final report on behalf of the parties hereto.

c. Be responsible for all Project costs over and above the County share of \$100,000.00, in an amount currently estimated at \$100,000.00, and for any consultant claims for extra compensation attributable to the State.

d. Invoice the County in an amount not to exceed \$100,000.00, for the County's share of the Project.

2. The County will:

a. Review Project progress reports and submittals and provide comments to the State as appropriate. Review and approve the final report prior to the final payment to the consultant.

b. Provide project management for the study, provide staff assistance for the public and governmental participation process associated with the study, and make available aerial photography possessed by the County in the area of the SR-74 corridor for use in the study,

c. Contribute a maximum of \$100,000.00 to the Project. Be responsible for any consultant claims for extra compensation attributable to the County.

d. Reimburse the State within 30 days after receipt of invoices, in a total amount not to exceed \$100,000.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the award of a Project consultant contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Maricopa County
Department of Transportation/Planning Division
2901 W. Durango Street
Phoenix, AZ 85009

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

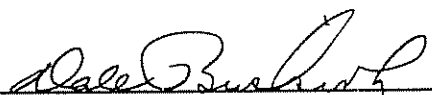
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

MARICOPA COUNTY, ARIZONA


STATE OF ARIZONA

Department of Transportation

By 
FULTON BROCK, Chairman
Board of Supervisors

By 
DALE BUSKIRK
Acting Director, Transportation Planning

ATTEST

By 
FRAN MCCARROL
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 25th day of February 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into an agreement with the County of Maricopa, for the purpose of defining responsibilities for the joint selection and hiring of a consultant to conduct an Access Control Study of State Route 74 from US 60/93 to Interstate 17.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning Division for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

Agenda Activity: Action
Department: Transportation
Category: Chief Public Works Officer
Contact: Renate Lewis
Return to: April Champion - Brenda Zambelli
Location: DEPT OF TRANSPORTATION ADMIN BLDG
Agenda Number: C-64-99-265-2-00
Phone: 506-8647
Continued from: Phone: 506-4640

Action Requested:
 Approve an Intergovernmental Agreement between the County and Arizona Department of Transportation (ADOT) to conduct an Access Control Study of State Route 74 from US 60/93 to Interstate 17. ADOT and the County will share the cost of this study, currently estimated at \$ 200,000, equally. ADOT will act as Lead Agency. Funds for the County's share of the study have been budgeted in the Department's Planning Division budget.

Complete description of action requested:

The study objectives are: to assess existing travel and facility characteristics of the corridor, to analyze future travel conditions in the corridor and identify ultimate facility configuration to meet future travel demand, and to describe methods for implementing access control on State Route 74 and procedures for maintaining access management. Supervisory District No. 1

Expenditure Impact by FY(s):

FY 00: \$100,000.00. ADOT and the County will share the cost of this study, currently estimated at \$ 200,000, equally. Funds for the County's share of the study have been budgeted in the Department's Planning Division budget for Fiscal Year 1999/00.

Routing: Meeting Date: 06/02/1999		
Legend X=Pending A=Approved R=Rejected		
LEGAL	MATL MNGT	OMB
A	A	A

Notes Created: 05/12/1999

Author: Renate Lewis

Note Type: Internal Dept Only

Notes:

I recommend approval.

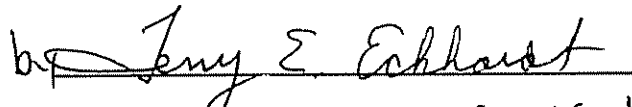
Status for Agenda Number C-64-99-265-2-00

Dept Head Approval	Approved	THOMAS R. BUICK	5/12/99 5:37:29 PM
Chief Officer Approval	Approved	THOMAS R. BUICK	5/12/99 5:38:42 PM
Materials Management	Approved	WESLEY W. BAYSINGER	5/14/99 11:33:00 AM
OMB	Approved	BRIAN G. HUSHEK	5/14/99 4:56:49 PM
Legal	Approved	TERRY ECKHARDT	5/18/99 2:54:10 PM
County Administrator's Office	Approved	CHRISTINE M. PINUELAS	5/28/99 10:47:39 AM
Board of Supervisors	Approved	FRAN M. MCCARROLL	06/02/1999

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and MARICOPA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 18th day of MAY 1999.


County Attorney - COUNTY COUNSEL



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-0385TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 29, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/75528

Enc.